IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 9800 of 2004(N)

PETITIONERS:

---

1. E.GOPINATHAKURUP,
   ARUN VIHAR, NELLIMUGAL P.O., ADOOR,
   PATHANAMTHITTA DISTRICT.

2. REMA DEVI,
   MURALI BHAVAN, PALLICKAL VILLAGE, THENGAMOM P.O.,
   ADOOR TALUK, PATHANAMTHITTA VILLAGE.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR,
   PATHANAMTHITTA.

2. THE DIRECTOR OF MINING AND GEOLOGY,
   THIRUVANANTHAPURAM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
   ADOOR.

4. THE SECRETARY,
   THE POLLUTION CONTROL BOARD, PATTOM,
   THIRUVANANTHAPURAM.

5. THE PALLICKAL GRAMA PANCHAYAT,
   PALLICKAL, ADOOR TALUK, PATHANAMTHITTA,
   REP. BY ITS SECRETARY.

6. RAJASEKHARAN PILLAI,
   RAJADHANI, THENGAMOM P.O., PATHANAMTHITTA.

7. P.M.GEORGE,
   PARAKKOTTATHIL P.O., PLAMTHARAYIL HOUSE,
   ADOOR, PATHANAMTHITTA.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR
SRI.K.SASIKUMAR
SRI.S.SUDHEESHKAR, SC FOR KSPCB
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9800 of 2004(N)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PERMIT NO.301/02-03 GP/MM/GS/1877/DOPTA/M/02 DATED 5.11.2002.

EXT.P2: COPY OF THE LICENCE DATED 15.2.2002 ISSUED BY THE 5TH RESPONDENT.

EXT.P3: COPY OF THE ROCK BLASTING LICENCE IN FORM 30 (SHORT FIRER'S PERMIT) ISSUED TO THE 7TH RESPONDENT DATED 20.10.1986.

EXT.P4: COPY OF THE SURVEY PLAN WITH RESPECT TO THE PROPERTIES BELONGING TO THE PETITIONERS AND THE QUARRYING SITE.

EXT.P5: COPY OF THE PROCEEDINGS NO.S1-19234/03 DATED 26.5.03 OF THE 1ST RESPONDENT.

EXT.P6: COPY OF THE REPRESENTATION DATED 27.9.2003.

EXT.P7: COPY OF THE JUDGMENT DATED 13.1.2004 IN W.P.(C).1232 OF 2004 OF THIS HONOURABLE COURT.

EXT.P8: COPY OF THE PROCEEDINGS NO.S1-19234/03 DATED 8.3.2004 OF THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:

EXT.R2(a): QUARRYING PERMIT ISSUED TO RESPONDENT NO.6 HAVING THE VALIDITY UPTO 30.4.04.

EXT.R2(b): LICENCE ISSUED TO THE 6TH RESPONDENT BY THE PANCHAYATH.

EXT.R2(c): BLASTING LICENCE ISSUED TO THE 7TH RESPONDNENT.

EXT.R2(d): EXPLOSIVRE LICENCE ISSUED TO THE 7TH RESPONDENT.

EXT.R2(e): THE AGREEMENT BETWEEN THE 6TH AND 7TH RESPONDENT.

.....

BKN // TRUE COPY//

P.A. TO JUDGE.

KURIAN JOSEPH, J.

W.P.(C). NO. 9800 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioners approached this Court alleging unauthorized quarrying of minor minerals by the 6th respondent. It is made clear by this Court in interim order dated 17.09.2004 that the 6th respondent shall not conduct quarrying without licence from the 5th respondent Panchayath. This writ petition is disposed of in terms of the said order.

KURIAN JOSEPH, JUDGE.

smp